IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3256/1997

RAM KISHAN & ORS. Vs. THE STATE OF RAJASTHAN & ORS.

DATE: 03.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Sukhveer Singh for the petitioners.
Mr. B.S. Chhaba, Addl. GA for the State.

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The controversy in this writ petition is that while constructing graveled road from village Gothara to Kotapatti in the year 1997 under the 'Pradhanmantri Rojgar Yojna', the mud for construction of road has been taken from the petitioner, whereas the respondents have strongly controverted this fact and submitted that under the 'Pradhanmantri Rojgar Yojna', construction of road was undertaken in the year 1997 from village Gothara to Kotapatta. The width of road is 3.75 mts. and both sides of the road, un-graveled road measuring 6.5 feet each was also constructed. For the purpose of construction of the said road, mud has been taken from the land of Khatedars is absolutely false. On the contrary, the Khatedars have encroached upon the government land in excess to the land of their share.

Thus, the allegations of taking out the mud from their land is outrightly denied.

I have heard rival submissions of the respective parties. The petitioners have failed to make out any case specifically that from which Khasra mud has been taken out as it is controverted on behalf of the respondents that no mud has been taken from the land belonging to the petitioners and it has been taken from the land of State government.

In view of the aforesaid submissions, I find no merit in the writ petition.

Consequently, the writ petition fails and the same is hereby dismissed with no order as to costs.

(K.S. RATHORE),J.

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